

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEREMY WILLIAM DEDEKER,

Petitioner,

v.

STUART SHERMAN,

Respondent.

No. 2:20-cv-2056-KJM-EFB P

FINDINGS AND RECOMMENDATIONS

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 31, 2021, the court granted respondent's motion to dismiss with leave to amend. ECF No. 24. Petitioner was granted thirty days in which to file an amended petition that states his claims with the clarity contained in his opposition to the motion to dismiss (ECF No. 20). The time for acting has passed and petitioner has not filed an amended petition or otherwise responded to the court's order.

A party's failure to comply with any order or with the Local Rules "may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." E.D. Cal. L.R. 110. The court may dismiss an action with or without prejudice, as appropriate, if a party disobeys an order or the Local Rules. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in dismissing pro se plaintiff's complaint for failing to obey an order to re-file an amended complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439,

1 1440-41 (9th Cir. 1988) (dismissal for pro se plaintiff's failure to comply with local rule
2 regarding notice of change of address affirmed).

3 Accordingly, it is hereby RECOMMENDED that this action be DISMISSED.

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
6 after being served with these findings and recommendations, any party may file written
7 objections with the court and serve a copy on all parties. Such a document should be captioned
8 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections
9 shall be served and filed within fourteen days after service of the objections. Failure to file
10 objections within the specified time may waive the right to appeal the District Court's order.
11 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
12 1991). In his objections petitioner may address whether a certificate of appealability should issue
13 in the event he files an appeal of the judgment in this case. *See* Rule 11, Rules Governing Section
14 2254 Cases (the district court must issue or deny a certificate of appealability when it enters a
15 final order adverse to the applicant).

16 DATED: October 5, 2021.

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EDMUND F. BRENNAN

18 UNITED STATES MAGISTRATE JUDGE
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